(*j*) District Judges should be authorised to examine all records in Munsiffs' Courts.

(*k*) Cases should be taken up for hearing in their serial order and adjournments made also in that order.

The Judicial Department should be reorganised on the following lines:—

(*a*) More Village Panchayat Courts and Bench Magistrates' courts should be established.

(*b*) Third Class Magistrates' courts should be established wherever necessary.

(*c*) With a view to relieving the pressure of work in two courts with extensive jurisdictions situated at some distance from each other, the Magistrates in the intervening areas should be invested with Munsiffs' powers and *vice versa*.

(*d*) Quarterly statements of suits disposed of, judgments not appealed against, and of judgments confirmed in appeal should be obtained from each judicial officer and promotions should be given on the basis of efficiency as revealed by these statements.

(*e*) Seating arrangements should be made for the convenience of parties attending courts.

(*f*) Judicial officers not well-versed in Malayalam should not be appointed in courts in North Travancore.

(*g*) Provision should be made for having three judges well acquainted with Marumakkatayam Law at all times in the High Court.

(*h*) Parties should be allowed to be represented by counsel both in civil and criminal cases except when their personal attendance was absolutely necessary.

(*i*) Instructions should be issued prohibiting the use of printed forms for making covers.

(*j*) The rules regarding the delivery of judgments within a week after the final hearing should be strictly enforced.

(*k*) The territorial jurisdictions of courts should be re-distributed.

(*l*) Copies of documents written on one chackram stamp paper and produced by a party along with the original should after comparison with the original be certified by the court and returned to the same party.

### 32. Administration of Civil Justice.

MR. C. K. KRISHNA PILLAI (*Member, Municipal Council, Mavelikara*) expressed satisfaction that the heavy pendency in the disposal of suits by subordinate civil courts had attracted the attention of Government, and proceeded to furnish more statistics of such pendency.

The member suggested the following remedies to put an end to this state of affairs:—

(i) Additional Second Judges and Munsiffs should be appointed temporarily for one year in order to clear the existing arrears. The report of the Civil Justice Committee appointed by the Governmen of India in 1924 was quoted in support of this proposal.

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(ii) The amount of work in each court should be examined and an average should be fixed to which officers posted from time to time to that court should be required to conform. Under the present rules, District Munsiffs were required to decide 400 contested suits in a year. In Madras the minimum was only 357. In practice, however, the number of disposals varied from court to court, owing partly to the nature of the suits involved and partly to differences in the efficiency of officers. It might also be mentioned in this concection that the expressions 'contested' and 'uncontested' were interpreted differently by different courts. A definite ruling on the point should be given by the High Court. So also there was no uniform rule for calculating the duration of contested and uncontested suits. A suit of 1095 restored to the file in 1098 was treated by some courts as having been instituted in 1095 and by others as having been instituted in 1098. A definite ruling was necessary on this point also.

(iii) All the temporary Munsiff's courts should be converted into permanent itinerant courts.

(iv) District Munsiffs of not less than seven or eight years' standing should be invested with small cause jurisdiction up to Rs. 200. In Madras, Munsiffs of seven years' standing had small cause jurisdiction up to Rs. 300. Enhancement of the small cause jurisdiction of Munsiffs would help to relieve District Judges of many petty appeal cases.

(v) Courts should be classified according to the nature of their work, and senior officers should be posted to courts with heavy files, whereas junior officers should be posted to courts with light files. No such principle was now kept in view by Government in the posting of judicial officers.

(vi) Surprise inspections of courts should be stopped. There was no use in making an inspection lasting for one or two hours only during which the inspecting officer could not possibly get himself acquainted with the actual condition of the court. A stay of at least three days was essential for a successful inspection. Surprise inspections should hence be replaced by periodical inspections made after due notice.

(vii) The status and pay of head clerks and other members of the staff in Munsiffs' courts should be raised. Munsiffs were overburdened with a large volume of purely ministerial work, such as management of offices, control of clerks and menials, keeping of accounts and carrying on of correspondence. The consequent drain upon their time and energy told upon their judicial work. These functions could well be delegated to head clerks, who might be paid an enhanced salary. Competent men, for example graduates-in-law, might also be appointed to fill these posts.

(viii) Head clerks of Munsiffs' courts should be invested with power to commit judgment debtors arrested under warrant in execution to the civil jail when presiding officers were on leave.

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(ix) The following measures should be adopted to secure efficiency in the service of processes:—

(*a*) The parties themselves should be allowed to write and file processes. These need not be written by process writers. The clerical establishment of the court should of course scrutinise the process before issue.

(*b*) Courts should be authorised to order the attendance of a witness on an adjourned day, without issuing a fresh summons for such attendance.

(*c*) Summons to witnesses should be handed over to the parties themselves to be served by them on the witnesses at their option.

x. Arrangements should be made for the speedy conduct of court auctions.

xi. Order XII rule 6 of the Civil Procedure Code should be amended. In respect of judgments on admissions there must be a definite provision empowering the court to execute the same. At present it was open to doubt whether such judgments were executable before a final judgment was passed.

xii. The pay of clerks and other subordinates of the judicial department should be further increased.

xiii. Certain sections of the Civil Procedure Code and the Civil Courts Guide should be amended so as to secure the speedy execution of decrees.

(*a*) Order XXI rule 20 should be modified by substituting 3 years for 1 year wherever the latter phrase occurred and the rule should be redrafted so as to ensure that failure to issue notice should not in any case amount to a defect in jurisdiction but should only amount to an irregularity in those cases in which a proper order dispensing with notice was not recorded.

(*b*) When an application for transfer of a decree or execution to another court was made it should not be made compulsory that transfer notice should be sent when a notice under Order XXI rule 20 was required to be sent.

(*c*) A court to which a decree was sent for execution should have the power to transfer it to another court on the applicatin of the decree holder.

(*d*) A court to which a decree was sent for execution should be invested with the power to recognise assignments of the decree and also to add legal representatives.

(*e*) The procedure in respect of an execution petition should as far as possible be brought into line with that adopted in an original suit.

(*f*) It should be enacted that an attachment will take effect when an order of attachment was passed by the court and not when it was actually effected as at present

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